

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Charles Russell, Jr. and Loretta Russell,
Debtors.

Case No. 06-46596
Chapter 7
Hon. Phillip J. Shefferly

**ORDER DISMISSING CHAPTER 7 CASE AND BARRING
DEBTORS FROM FURTHER BANKRUPTCY FILINGS**

On June 26, 2006, the Court entered an order to show cause why this case should not be dismissed for abuse and the Debtors sanctioned for willful failure to properly prosecute the case and for abusive serial filings. The order to show cause detailed five separate cases filed by the Debtors, the first four of which were dismissed. None of the five cases have been properly prosecuted. No filing fees have been paid in any of them. No § 341 first meeting of creditors has been conducted in any of them. Schedules of assets and liabilities and statements of financial affairs and other required documents have not been filed. The only activities undertaken by the Debtors in these cases consist of the filing of two separate adversary proceedings that appear on their face to be specious. Because of these facts, the Court entered the order to show cause and required the Debtors to appear at a hearing on July 12, 2006 to show cause why this case should not be dismissed, a permanent bar issued as to any future filings by the Debtors, and other sanctions imposed for their abusive and improper bankruptcy filings. True to form, the Debtors did not appear at the hearing. The U.S. Trustee and one creditor each appeared through their attorneys. Both the U.S. Trustee and the creditor requested that the Court dismiss this case and consider the imposition of additional sanctions.

After reviewing all five of the Debtors' bankruptcy cases, the Court finds that the Debtors

have engaged in a pattern of willful failure to abide by orders of the Court, the provisions of the Bankruptcy Code and the Bankruptcy Rules, and have failed to appear before the Court in proper prosecution of any of their bankruptcy cases. For the reasons set forth on the record in open Court on July 12, 2006, the Court concludes that this case should be dismissed and that the Debtors must be permanently prohibited from filing any further bankruptcy cases without permission of this Court. Accordingly, pursuant to this Court's powers under § 105(a), § 109(g)(1) and § 349(a), see Casse v. Key Bank (In re Casse), 198 F.3d 327 (2d Cir. 1999); In re Johnson, 281 B.R. 269 (Bankr. E.D. Ky. 2002); In re McCoy, 237 B.R. 419 (Bankr. S.D. Ohio 1999),

IT IS HEREBY ORDERED that this Chapter 7 case is dismissed.

IT IS FURTHER ORDERED that the Debtors, Charles Russell, Jr. and Loretta Russell, are permanently barred and prohibited from filing any bankruptcy petitions without further order of this Court.

Entered: July 18, 2006

/s/ Phillip J. Shefferly
Phillip J. Shefferly
United States Bankruptcy Judge